

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

HERBERT KIRK, JR.

CIVIL ACTION NO. 06-0817
SECTION "P"

-vs-

JUDGE DRELL

TERRY TERRELL, WARDEN

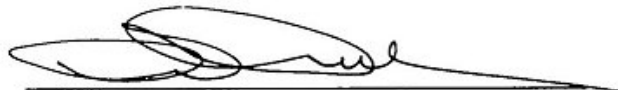
MAGISTRATE JUDGE KIRK

JUDGMENT

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that Plaintiff's second and successive Application for Writ of *Habeas Corpus* be DISMISSED in accordance with 28 U.S.C. § 2244(b)(3), since this Court is without jurisdiction to consider his claims.

SIGNED on this 26th day of July, 2006, at Alexandria, Louisiana.



Dee D. Drell
United States District Judge